

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CAMEISA LAVEL BRELAND,

Plaintiff,

– *against* –

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**OPINION & ORDER**

20-cv-5576 (ER)

Ramos, D.J.:

Plaintiff Cameisa Lavel Breland commenced this action against the Commissioner of Social Security (the “Commissioner”) on July 20, 2020, seeking review of a denial of eligibility for Disability Insurance Benefits, pursuant to 42 U.S.C. § 205(g). Doc. 1. On July 27, 2020, the Court referred the case to Magistrate Judge Stewart D. Aaron. Doc. 14. Before the Court is Breland’s motion for attorney’s fees in the amount of \$24,569.00 pursuant to the Equal Access to Justice Act (“EAJA”). Doc. 36.

On April 16, 2023, Magistrate Judge Aaron issued a Report and Recommendation (the “R&R”), recommending that the motion be granted. Doc. 43. The R&R also notified the parties that they had fourteen days from date of service to file written objections. *Id.* No objection to the R&R has been filed.

**I. LEGAL STANDARD**

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise “specific,” “written” objections to the report and recommendation “[w]ithin fourteen days after being served with a copy.” *Id.*; *see*

*also* Fed. R. Civ. P. 72(b)(2). A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C); *see also United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

The district court will also review the report and recommendation for clear error where a party's objections are “merely perfunctory responses” argued in an attempt to “engage the district court in a rehashing of the same arguments set forth in the original petition.” *Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008) (citations and internal quotation marks omitted).

## **II. DISCUSSION**

Despite the Commissioner’s failure to object to the R&R, the Court has reviewed Magistrate Judge Aaron’s thorough and well-reasoned R&R and finds no error, clear or otherwise. The Court therefore adopts Magistrate Judge Aaron’s recommendation to grant Breland’s motion and award attorney’s fees.

For the foregoing reasons, Breland’s motion is GRANTED and her counsel is hereby awarded attorney’s fees in the amount of \$24,569.00. Upon receipt of this sum, Breland’s counsel is ordered to promptly refund to Breland the sum of \$8,825.00, which is the amount of attorney’s fees previously paid to him under the EAJA. The Clerk of the Court is respectfully directed to terminate the motion, Doc. 36.

It is SO ORDERED.

Dated: May 25, 2023  
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

Edgardo Ramos, U.S.D.J.